

AMENDED IN ASSEMBLY JULY 2, 2003

AMENDED IN ASSEMBLY MAY 29, 2003

**SENATE BILL**

**No. 296**

**Introduced by Senator Chesbro**

(Principal coauthor: Assembly Member Wiggins)

February 19, 2003

An act to relating to public trust lands.

LEGISLATIVE COUNSEL'S DIGEST

SB 296, as amended, Chesbro. Public trust lands: Kaiser Steel development area.

Under existing law, the State Lands Commission in the Resources Agency administers all laws and statutes with respect to the transfer or exchange of state lands.

This bill would authorize the State Lands Commission to do all of the following:

(a) Convey to the City of Vallejo or the Vallejo Redevelopment Agency, by patent, any and all of the right, title, and interest held by the state to tidelands and submerged lands within the Kaiser Steel development area, as specified.

(b) Receive and accept on behalf of the state any land or any interest in land, conveyed to the state pursuant to this bill or any settlement and exchange authorized by this bill.

(c) Convey to the City of Vallejo by patent all of the state's right, title, and interest held by virtue of its sovereignty, in and to the tidelands and submerged lands within the Kaiser Steel development area, as described.



This bill would state the intent of the Legislature in enacting these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. The parcel to which this act is applicable is described as follows, and shall be referred to in this act as the “Kaiser Steel development area”:

LAND DESCRIPTION

All of that land situated in the City of Vallejo, County of Solano, State of California, within the area described as follows:

BEGINNING AT A POINT, said point being the intersection of the southeasterly line of Solano Boulevard with the centerline of Sonoma Boulevard, thence southwesterly along the southeasterly line of Solano Boulevard and the extension of said southeasterly line, S 54°21'37"W, 960.03 feet; Thence leaving said southeasterly line S 35°53'08"E, 296.83 feet; Thence S 52°27'37"W, 471.04 feet to the U.S. Pierhead and Bulkhead Line as shown on the Map of the Grant to the City of Vallejo, Chapter 63, Statutes of 1963, filed in Book 8, of Surveys, at Page 90 in the Office of the Solano County Recorder; Thence along said U.S. Pierhead and Bulkhead Line N 39°38'08"W, 2473.08 feet; Thence leaving said U.S. Pierhead and Bulkhead Line, N 50°21'52"E, 336 feet more or less, to the centerline of Curtola Parkway; Thence southeasterly along the centerline of Curtola Parkway to the intersection of the centerline of Sonoma Boulevard; Thence S 49°41'53"E along the centerline of Sonoma Boulevard to the intersection of southeasterly line of Solano Boulevard and the True Point of Beginning.

Basis of Bearing is the Record of Survey, Recorded March 26, 1997 in Book 22 of Surveys at Page 23.

END OF DESCRIPTION

SEC. 2. As used in this act, the following definitions apply:

(a) “City” means the City of Vallejo, a municipal corporation of the State of California, in Solano County.

(b) “Kaiser Steel development area” means the land described in Section 1 of this act.

(c) “Public trust” means the public trust for commerce, navigation, and fisheries, water-oriented recreation, preservation of land in a natural state, and other public trust purposes.

(d) “Redevelopment agency” means the Vallejo Redevelopment Agency, a public body, corporate and politic.

(e) “Vallejo Granted Lands Trust” means the statutory trust created by the grant of tidelands and submerged lands to the City of Vallejo in Chapter 310 of the Statutes of 1913, as amended.

SEC. 3. The Legislature hereby finds and declares all of the following:

(a) Certain of the land within the Kaiser Steel development area were included within the perimeter descriptions of state sales of land to private parties by patents issued in 1867, 1868, and 1872. One patent states that it was issued pursuant to authority contained in Chapter 235 of the Statutes of 1858 and Chapter 314 of the Statutes of 1859. Two of the patents state that they were issued pursuant to authority contained in Chapter 397 of the Statutes of 1863.

(b) Any and all remaining state public trust interests within tidelands patents issued to private parties within the Kaiser Steel development area, whether in fee or public trust easement, have been granted to the city subject to the public trust and certain other restrictions by the Vallejo Granted Lands Trust.

(c) In the 1920’s, the city initiated litigation entitled City of Vallejo v. Smith, et al. (Solano County Superior Court; Case No. 7241) against private claimants of the tidelands patents within the Kaiser Steel development area, and alleged, among other things, that the patents were invalid because they included submerged land below ordinary low tide, and that title to that land could not and did not pass with state patents, and that title was held by the city pursuant to the Vallejo Granted Lands Trust. The State of

1 California was not named a party in the City of Vallejo v. Smith,  
2 et al.

3 (d) There are unresolved issues concerning the geographic  
4 extent and boundaries of public trust and nonpublic trust title  
5 within the Kaiser Steel development area, the validity of  
6 state-issued patents there, and whether land within the Kaiser Steel  
7 development area remains subject to the public trust and to the  
8 Vallejo Granted Lands Trust.

9 (e) This uncertainty of title limits the potential development of  
10 inland areas of the Kaiser Steel development area for nonpublic  
11 trust uses, and renders uncertain the creation of desirable public  
12 access, commercial recreation facilities, and other public trust uses  
13 near and along this portion of the city waterfront.

14 (f) It is intended that the resolution of these disputes and the  
15 consolidation of public and private ownerships will be  
16 accomplished by and through a settlement and exchange of lands  
17 within the Kaiser Steel development area. The settlement and  
18 exchange shall be for the purpose of allowing nonpublic trust uses  
19 of lands no longer necessary for public trust purposes, while also  
20 establishing secure public trust title within the Kaiser Steel  
21 development area of land to be used for the purposes of the Vallejo  
22 Granted Lands Trust.

23 (g) The settlement and exchange contemplated by this act  
24 would maximize the benefits to the public trust without interfering  
25 with trust purposes, and would resolve legal uncertainties to the  
26 overall benefit of the public trust, provided that the State Lands  
27 Commission makes the findings set forth in Section 4 of this act  
28 as part of a settlement and exchange agreement.

29 SEC. 4. The Legislature hereby authorizes the city, the  
30 redevelopment agency, and the State Lands Commission to enter  
31 into an agreement for the settlement of conflicting claims of  
32 ownership and for an exchange of lands that shall terminate the  
33 public trust over certain filled tidelands and submerged lands  
34 within the Kaiser Steel development area as described in the  
35 agreement. The commission may approve the exchange of any  
36 public trust lands only after the commission makes the following  
37 findings:

38 (a) That the value of any land or interest in land to be conveyed  
39 and ~~made established through the exchange to be~~ subject to the  
40 public trust equals or exceeds the value of the land to be conveyed



free of the public trust and in which the public trust is terminated pursuant to a settlement and exchange agreement. If equal or greater economic value to the public trust is not achieved through a land exchange confirming public trust land within the Kaiser Steel development area, the value necessary in addition to that provided by the land exchange may be met by a contribution to the fund established by the Kapiloff Land Bank Act (Division 7 (commencing with Section 8600) of the Public Resources Code) for the purchase of other land to be made subject to the public trust.

(b) That the *portion of* lands over which the public trust will be terminated within the Kaiser Steel development area have been filled and reclaimed, those parcels consisting entirely of dry land lying above the present mean high tide line, and are ~~not necessary in their public trust encumbered status~~ *no longer available, useful, or necessary* for the purposes of the public trust, or for purposes of the Vallejo Granted Lands Trust.

(c) That the land over which the public trust will be terminated ~~is not waterfront land, having been cut off from direct access to the waters of San Francisco Bay by past filling of intervening property.~~ *is not waterfront land.*

(d) That streets in or serving the Kaiser Steel development area have provided, and will continue to provide, public pedestrian and vehicular access to the waterfront and to the public trust use areas established through the exchange.

(e) That the lands over which the public trust will be terminated constitute a relatively small portion of the tidelands and submerged lands granted to the city under Chapter 310 of the Statutes of 1913, as amended.

(f) That the lands over which the public trust will be terminated are no longer needed or required to further public trust purposes or the purposes of the Vallejo Granted Lands Trust, and the land to be acquired within the Kaiser Steel development area through the exchange will serve public trust purposes and needs.

(g) *That the land exchange is in the best interest of the state.*

SEC. 5. (a) Any party to a settlement and exchange agreement entered into pursuant to this act may bring an action under Chapter 4 (commencing with Section 760.010) of Title 10 of Part 2 of the Code of Civil Procedure to quiet title and to confirm the validity of that agreement as if the agreement had been entered into pursuant to Section 6307 or 6357 of the Public Resources

1 Code. Any action shall be brought no later than 90 days after the  
2 recording of the executed agreement.

3 (b) Notwithstanding subdivision (b) of Section 764.080 of the  
4 Code of Civil Procedure, a person not a party to a settlement and  
5 exchange agreement entered into pursuant to this act seeking to  
6 bring an action challenging the validity of the agreement shall file  
7 that action no later than 180 days after the recording of the  
8 executed agreement.

9 (c) Any settlement and exchange agreement entered into  
10 pursuant to this act shall be conclusively presumed to be valid,  
11 unless held invalid in an appropriate proceeding in a court of  
12 competent jurisdiction commenced within the time limits  
13 specified in this section.

14 SEC. 6. For purposes of effectuating a settlement and  
15 exchange referred to in Section 2 of this act, the State Lands  
16 Commission may do all of the following:

17 (a) Convey to the city or the redevelopment agency, by patent,  
18 any and all of the right, title, and interest held by the state by virtue  
19 of its sovereign trust title to tidelands and submerged lands,  
20 including any public trust interest, in and to all of the historic  
21 tidelands and submerged lands within the Kaiser Steel  
22 development area that are no longer waterfront lands, are above  
23 the mean high tide line, and are not necessary for public trust  
24 purposes, subject to the reservations that the commission  
25 determines to be appropriate. That patent and conveyance shall  
26 forever terminate the public trust over those lands so conveyed,  
27 subject to any reservations which may be made by the commission.

28 (b) Receive and accept on behalf of the state in its sovereign  
29 capacity any land or any interest in land, conveyed to the state in  
30 its sovereign capacity pursuant to this act and pursuant to a  
31 settlement and exchange agreement authorized by this act,  
32 including any contribution to the Kapiloff Land Bank Fund  
33 (Section 8610 of the Public Resources Code) for the purchase of  
34 public trust lands to be owned by the state and administered by the  
35 State Lands Commission.

36 (c) Convey to the city by patent all of the state's right, title, and  
37 interest held by virtue of its sovereignty in and to the tidelands and  
38 submerged lands within the Kaiser Steel development area,  
39 including those lands conveyed to the state pursuant to a settlement  
40 and exchange agreement entered into pursuant to this act, subject

1 to the Vallejo Granted Lands Trust, the public trust, and the terms,  
2 conditions, and reservations that the State Lands Commission  
3 determines are necessary to meet the requirements of this act, the  
4 public trust, and the Vallejo Granted Lands Trust. Upon that  
5 conveyance, the city shall be responsible for administering the  
6 public trust with respect to those lands conveyed through a  
7 settlement and exchange agreement entered into pursuant to this  
8 act.

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